



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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Fifth District

March 21, 2007

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich
From: 
David E. Janssen
Chief Administrative Officer

WASHINGTON, D.C. UPDATE

Pursuit of County Position

Help America Vote Act of 2002 Reform Legislation (H.R. 811/S. 559). On February 5, 2007, H.R. 811 (Holt, D-NJ), the Voter Confidence and Increased Accessibility Act of 2007, was introduced in the House, and on February 13, 2007, S. 559 (Nelson, D-FL), a similar Senate bill was introduced in the Senate. Both measures seek to amend the Help America Vote Act (HAVA) of 2002.

The legislation requires that all voting equipment produce a paper ballot that can be verified by the voter and would serve as the official ballot in any recount or audit. It also mandates that each state set up special audit boards separate from existing voting administration systems and requires that they carry out an audit of each Federal election by sampling select precincts for discrepancies between electronic vote counts and hand counts of the paper ballots.

The County Registrar Recorder/County Clerk (RR/CC) indicates that several provisions in H.R. 811 will significantly impact the administration of elections in Los Angeles County. The RR/CC is also concerned with the accelerated effective dates proposed in H.R. 811, indicating that rushed implementation of numerous election provisions contained in the bill could make election administration unworkable and result in decreased public confidence.

While the State of California already requires a voter-verifiable paper ballot or audit trail for all voting equipment, the RR/CC is concerned that the prescriptive language in H.R. 811 could eliminate the ability to use the County's touch-screen voting equipment, which makes early voting possible at 16 to 20 locations prior to major elections. Given the timeframes associated with the 2008 Federal election cycle, modifications could not occur in a timely manner for the November 2008 General Election. As a result, the legislation places continuation of early voting at risk in Los Angeles County. Compliance with the audit provisions of H.R. 811 would likely exceed the suggested appropriation of funds proposed in the legislation. Further, the RR/CC's current facilities are inadequate to accommodate such an expanded audit process within the legal timeframe allotted for the canvassing of the official results of the election.

The National Conference of State Legislatures and NACO oppose H.R. 811 and S. 559 because the bills would impose new voting technology, which has not been tested or certified, and would force poll workers to work with this technology without training and voter education. Additionally, these bills would escalate election administration costs that have doubled and tripled for some counties in the last five years.

The Federal Agenda, adopted by your Board on January 30, 2007, includes an overall policy opposing proposals which would impose new unfunded mandates on the County and which would preempt State and local government authority and support proposals and funding that to help state and local governments upgrade their voting equipment without imposing uniform nationwide standards. **Based on these policies, the County's Washington advocates will oppose H.R. 811, S. 559, or similar legislation, which would impose major unfunded election-related mandates on state and local governments, preempt state and local authority over the administration of elections, or which would impose administratively cumbersome or impractical election requirements relating to equipment, procedures, personnel, and implementation deadlines.**

We will continue to keep you advised.

DEJ:GK
MAL:RM:hg

c: All Department Heads
Legislative Strategist